

## SENATE BILL NO. 171

INTRODUCED BY G. BARKUS

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING ~~A CRIMINAL PENALTY FOR THE OFFENSE OF~~  
DAMAGE TO RENTAL PROPERTY; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE  
DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Criminal penalty for damage DAMAGE to rental property. (1) If A TENANT  
COMMITTS THE OFFENSE OF DAMAGE TO RENTAL PROPERTY IF the tenant PURPOSELY OR KNOWINGLY destroys, defaces,  
damages, impairs, or removes any part of the premises or permits any person to do so WITH A VALUE OF AT LEAST  
\$500 OVER THE AMOUNT OF ANY DAMAGE DEPOSIT OR, IF NO DAMAGE DEPOSIT WAS PAID, A VALUE OF AT LEAST \$500 in  
violation of 70-24-321(2) OR 70-33-321(3), to the extent that the damage to the property exceeds 10 times the  
monthly rental amount, the tenant is guilty of a misdemeanor and shall be fined not less than \$50 or more than  
\$500.

(2) A PERSON CONVICTED OF THE OFFENSE OF DAMAGE TO RENTAL PROPERTY THAT CAUSED PECUNIARY LOSS  
NOT EXCEEDING \$1,000 IN VALUE SHALL BE FINED AN AMOUNT NOT TO EXCEED \$1,000 or be imprisoned in the county  
jail for not more than A TERM NOT TO EXCEED 6 months, or both. A PERSON CONVICTED OF THE OFFENSE OF DAMAGE  
TO RENTAL PROPERTY THAT CAUSED PECUNIARY LOSS EXCEEDING \$1,000 IN VALUE SHALL BE FINED AN AMOUNT NOT TO  
EXCEED \$50,000 OR BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS, OR BOTH. Absolute  
liability, as provided for in 45-2-104, is imposed for a violation of this section.

(3) A PERSON CONVICTED OF DAMAGE TO RENTAL PROPERTY MUST BE ORDERED TO MAKE RESTITUTION IN AN  
AMOUNT AND MANNER TO BE SET BY THE COURT. THE COURT SHALL DETERMINE THE MANNER AND AMOUNT OF  
RESTITUTION AFTER FULL CONSIDERATION OF THE CONVICTED PERSON'S ABILITY TO PAY THE RESTITUTION. UPON GOOD  
CAUSE SHOWN BY THE CONVICTED PERSON, THE COURT MAY MODIFY ANY PREVIOUS ORDER SPECIFYING THE AMOUNT AND  
MANNER OF RESTITUTION. FULL PAYMENT OF THE AMOUNT OF RESTITUTION ORDERED MUST BE MADE PRIOR TO THE  
RELEASE OF STATE JURISDICTION OVER THE PERSON CONVICTED.

(2)(4) A prosecution under this section is independent of and does not constitute a waiver of any of the  
rights, duties, obligations, and remedies otherwise provided for under this chapter TITLE 70, CHAPTER 24 OR 33.

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2 ~~NEW SECTION. Section 2. Criminal penalty for damage to rental property.~~ (1) If the tenant destroys,  
3 defaces, damages, impairs, or removes any part of the premises or permits any person to do so in violation of  
4 70-33-321(3), to the extent that the damage to the property exceeds 10 times the monthly rental amount, the  
5 tenant is guilty of a misdemeanor and shall be fined not less than \$50 or more than \$500 or be imprisoned in the  
6 county jail for not more than 6 months, or both. Absolute liability, as provided for in 45-2-104, is imposed for a  
7 violation of this section.

8 ~~(2) A prosecution under this section is independent of and does not constitute a waiver of any of the~~  
9 ~~rights, duties, obligations, and remedies otherwise provided for under this chapter.~~

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11 ~~NEW SECTION. Section 3. Codification instruction.~~ (1) [Section 1] is intended to be codified as an  
12 integral part of Title 70, chapter 24, part 3, and the provisions of Title 70, chapter 24, apply to [section 1].

13 ~~(2) [Section 2] is intended to be codified as an integral part of Title 70, chapter 33, part 3, and the~~  
14 ~~provisions of Title 70, chapter 33, apply to [section 1].~~

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16 NEW SECTION. SECTION 2. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN  
17 INTEGRAL PART OF TITLE 45, CHAPTER 6, PART 1, AND THE PROVISIONS OF TITLE 45, CHAPTER 6, PART 1, APPLY TO  
18 [SECTION 1].

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20 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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22 NEW SECTION. Section 4. Applicability. [This act] applies to criminal acts committed on or after [the  
23 effective date of this act].

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